

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ADIDAS AMERICA, INC., an Oregon corporation; **ADIDAS AG**, a foreign entity; **ADIDAS INTERNATIONAL MARKETING B.V.**, a foreign entity,

Plaintiffs,

v.

SALT & PEPPER CLOTHING, INC., a Delaware corporation, et al.,

Defendants.

No. 3:17-cv-00377-YY

**PERMANENT INJUNCTION AGAINST
DEFENDANT SALT & PEPPER
CLOTHING, INC., ON CONSENT**

MOSMAN, J.,

Having considered the Second Amended Complaint on file in this action, and Defendant Salt & Pepper Clothing, Inc. (“Salt & Pepper”) having consented to the terms of the permanent injunction set forth below, this Court hereby finds as follows:

1. Plaintiffs adidas America, Inc., adidas AG, and adidas International Marketing B.V. (collectively, “adidas” or “Plaintiffs”) own and use the Three-Stripe trademark (the “Three-Stripe Mark”), which is covered by numerous valid U.S. Trademark Registrations, including Registration Nos. 870,136, 961,353, 1,815,956, 1,833,868, 2,016,963, 2,058,619, 2,278,589, 2,278,591, 2,284,308, 2,909,861, 2,999,646, 3,029,127, 3,029,129, 3,029,135, 3,063,742, 3,063,745, 3,087,329, 3,183,656, 3,183,663, 3,236,505, 3,842,177, 3,846,203 and 4,910,643.

2. On October 13, 2017, adidas filed its Second Amended Complaint in this action, claiming, *inter alia*, that Salt & Pepper was designing, sourcing, manufacturing, distributing, marketing, promoting, offering for sale, and/or selling the apparel depicted below, which adidas

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alleges bears a confusingly similar imitation of adidas's federally registered Three-Stripe Mark (the "Disputed Apparel"):



3. Salt & Pepper accepted service of the Summons and Second Amended Complaint on November 22, 2017, but has not yet filed an Answer or any other pleading in response to the Second Amended Complaint.

4. The Court has jurisdiction over the subject matter of this action and over Salt & Pepper, and venue in this action is proper in this judicial district.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Salt & Pepper and all of its agents, officers, employees, representatives, successors, assigns, attorneys, and all other persons acting for, with, by, through, or under authority from Salt & Pepper, or in concert or participation with Salt & Pepper, and each of them, are **PERMANENTLY ENJOINED and RESTRAINED**, from:

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- a. importing, manufacturing, producing, advertising, promoting, displaying, distributing, offering for sale, or selling the Disputed Apparel; and
 - b. importing, manufacturing, producing, advertising, promoting, displaying, distributing, offering for sale, or selling any other apparel bearing the Three-Stripe Mark or any other confusingly similar imitation of adidas's Three-Stripe Mark, including, without limitation, any apparel with one additional stripe (i.e., four stripes) or less one of the three stripes (i.e., two stripes).
2. This Court shall have continuing jurisdiction to enforce the provisions of the permanent injunction entered herein.
3. The Clerk shall enter final judgment for Plaintiffs as to all claims asserted against Salt & Pepper in adidas's Second Amended Complaint, with Plaintiffs and Salt & Pepper each bearing its own costs, including attorneys' fees.

IT IS SO ORDERED.

This 16 day of January, 2018.

/s/ Michael W. Mosman
Michael W. Mosman
Chief United States District Court
Judge for the District of Oregon